

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Brian Keith HIGGS,

Defendant.

Magistrate Case No. _____ XNH

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section
1324(a)(2)(B)(iii)-
Bringing in Illegal Alien
Without Presentation

The undersigned complainant being duly sworn states:

On or about **June 22, 2008**, within the Southern District of California, defendant **Brian Keith HIGGS**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Adelina MARTINEZ-Morales**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **24th** DAY OF
JUNE, 2008.


UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

The complainant states that **Adelina MARTINEZ-Morales** is a citizen of a country other than the United States; that said alien has admitted she is deportable; that her testimony is material; that it is impracticable to secure her attendance at trial by subpoena; and that she is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On June 22, 2008, at approximately 2210 hours, **Brian Keith HIGGS (Defendant)** made application for admission into the United States from Mexico at the San Ysidro, California Port of Entry via the vehicle primary lanes. Defendant was the driver of a red Ford F-150 truck. Upon inspection before a U.S. Customs and Border Protection (CBP) Officer, Defendant made two negative customs declarations. Defendant claimed United States citizenship and presented a State of Utah birth certificate with a California Identification card bearing his name and photo. The CBP Officer asked Defendant how long he owned the vehicle and Defendant stated he purchased the vehicle a couple of days ago. The CBP Officer received an automated computer generated referral and subsequently escorted Defendant and the vehicle to secondary for further inspection.

In secondary, a CBP Canine Officer screened the vehicle with his service canine and discovered a non-factory compartment in the undercarriage area in the bed of the truck. The CBP Officer raised the carpet and saw an access door in the floor of the bed of the truck. The access door was opened and one adult female and one adult male were discovered concealed within. The adult female and adult male were removed from the compartment and determined to be citizens of Mexico without legal documents to enter the United States. The adult female was retained as a Material Witness and is now identified as **Adelina MARTINEZ-Morales (Material Witness)**.

During a videotaped interview, Defendant was advised of his Miranda rights. Defendant acknowledged his rights and elected to answer questions without an attorney present. Defendant admitted he knew he had two undocumented aliens concealed in the rear of the pickup he was driving. Defendant claimed that he was not getting paid and was doing it as a favor in order for "La Familia" to stop harassing him. Defendant admitted he intended to deliver the vehicle and aliens to a location on E Street in Chula Vista, California. Defendant admitted that after he delivered the aliens he was to drive the vehicle back into Mexico.

During a separate videotaped interview, Material Witness admitted she is a citizen of Mexico without legal rights or entitlements to enter the United States. Material Witness stated she did not know who made her smuggling arrangements, but stated she was going to pay \$500 Mexican Pesos to be smuggled into the United States. Material Witness stated she was traveling to Riverside, California where she was to seek residency with her husband.